

## MINUTES OF A REGULAR CITY COUNCIL MEETING HELD MAY 3, 1982

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the old football field. She said that some poles have been burned around the base and could represent a hazard to the public. The Mayor said that the Millard County School District Superintendent had indicated to him that the School Board is aware of the problem and that it would be taken care of. Councilwoman Hansen also inquired about the progress on the Nuisance complaints. Answer: None at the present.


The Mayor indicated to the Council that he is working to set up a Street Department for the City to get the streets in order.

City Engineer John Quick told the Council that he had spoken to the engineer on the IPA housing project. The engineer told Mr. Quick that they want to proceed with the covering of the drainage ditch inside their project as soon as possible. Mr. Quick suggested that the plan be submitted for City review. Mr. Quick said that he told them that 60 feet would probably be required for road width. This would include curb, gutter and sidewalk on county roads inside the project. Mr. Quick further stated that he suggested that Mr. Forster review the water and sewer lines, roads, curb, gutter and sidewalk inspections. He further stated that if the inspections are not done properly, then a full-time inspector could be required by the City. He reported that construction on the sewer line installation is going better, but the construction company is not making the anticipated 200 feet of progress per day. Mr. Quick said that 4 copies of the water plans and specifications are available at \$50.00.

There was discussion on the problems at the City dump. It was suggested that the dump area needs to be brought up to standard.

Councilman Bird MOVED and Councilman Dafoe SECONDED to adjourn the meeting. All agreed and the Mayor adjourned the meeting at 11:01 p.m.

  
Grant S Nielson, Mayor

  
Dorothy Jeffery, City Recorder

## MINUTES OF AN EMERGENCY CITY COUNCIL MEETING HELD JANUARY 15, 1982

## PRESENT:

Grant S. Nielson  
Max Bennett  
Don Bird Council Member  
Don Dafoe Council Member  
Willis Morrison

Mayor and presiding  
Council Member

Council Member

## ABSENT:

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None

## OTHERS PRESENT:

Dorothy Jeffery

Mayor Nielson called the meeting to order at 5:05 p.m. Dorothy Jeffery acted as secretary.

Mayor Nielson stated the meeting was an Emergency Meeting of the Delta City Council. The purpose of the meeting is for the Council to consider and act upon the 1981 year end closing reports to the State and Federal Agencies regarding Delta City Employees wages, salary and benefits. Notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by delivering copies of the Notice and Agenda 4 hours before to each of them.

Mayor Nielson read the following Waiver of Notice and Consent to Meeting:

WE, the undersigned, each being members of the City Council of the City of Delta, Millard County, State of Utah, do hereby acknowledge that we received on this date the foregoing notice of a meeting of said City Council so called to be and do consent to the holding of such meeting and to the transaction of any and all business that may come before such meeting.

DATED at the City of Delta, Millard County, State of Utah, this 15th day of January A.D., 1982.

Mayor Nielson

Council Member Max Bennett  
Council Member Don Bird  
Council Member Don Dafoe  
Council Member Ruth Hansen  
Council Member Willis Morrison

Mayor Nielson stated that the purpose of the meeting was to discuss the severance pay that had been paid to an employee of Delta City and because of this fact the chair would entertain a motion to go into a closed session. Council Member Bennett so MOVED. The motion was SECONDED by Councilman Bird and received the unanimous affirmative vote of all Council Members present.

The Meeting was then closed to the public.

Mayor Nielson then asked the City Recorder, Dorothy Jeffery, to explain what had happened regarding the payment of severance pay to Leland Roper.

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The Recorder stated: "Mr. Roper and I had discussed payment for vacation time in lieu of taking vacation time off prior to his termination date. Mr. Roper had said that he felt I should discuss it with the Council before any action was taken. Following a Council meeting one night, I did discuss it with some of the Council Members. I left that meeting under the impression that it was alright to pay him for those two years of vacation time I thought he had earned. However, when I made the check I made a mistake."

At this point, copies of the section of the City personnel policy regarding full-time permanent employees, of the Delta City Personnel Policy, was given to each Council Member and the Mayor for their review. Section 9 (F) states: "If an employee has satisfactorily met the requirements for employment and has been employed continuously by the City for three (3) months or more, (s)he becomes a permanent employee and is eligible for all the benefits of permanent City employees."

Mrs. Jeffery continued: "Lee was not necessarily a permanent full time employee as the Mayor, but accoring to my records, Lee was appointed to the status of City Administrator on the 16th day of March 1981. This is entirely my fault, but when I filled out the payroll I just figured that those of us that had been employed prior to the present personnel policy had been given a day a month for the previous year that we had worked, for vacation and we were entitled to two floating holidays."

Copies of the computation sheets were given to each Council Member. The Recorder explained the computations on each sheet in detail. "\$933.33 was what Mr. Roper was paid for the two weeks of December from the 15th to the 31st. The next item on the payroll ledger is wages for 1980 - unused vacation and two floating holidays (112 hours) or \$1,203.00. The next item on the payroll ledger is wages for 1981 - unused vacation and two floating holidays (112 hours) or \$1,203.00. On the last check made to Mr. Roper there is a deduction of \$79.54 which is for his family insurance. While Mr. Roper was employed as the City Administrator the insurance was paid as part of his wages, but now that he is not employee by the City, he will have to pay for his family insurance. As a member of the Delta City Fire Department he is entitled to be a member of the City insurance program." Mrs. Jeffery continued: "As I understand it, what you as a Council will have to determine is when Mr. Roper was first eligible for paid vacation. If he was entitled to vacation in 1980, he was making as Mayor \$650.00 per month or \$7800.00 per year. To compute vacation time, the yearly salary is divided by 52.1429 which is \$149.59 per week divided by 40 hours comes out \$3.74 per hour. Since Mr. Roper worked 112 hours, this would equal \$418.88 for the year of 1980 for unused vacation time and 2 floating holidays. I had mistakenly paid him at the rate he is making now which comes to \$1,203.00. The difference is \$784.12. Mr. Roper is aware that he will have to return \$748.14 because I had used the wrong wage scale when computing vacation for 1980. If you feel that as Mayor he was not entitled to vacation pay, the entire \$1,203.00 will have to be returned. Mr. Roper was hired as City Administrator as of March 16, 1981. You have to decide how much vacation time Mr. Roper is entitled to and how you want to correct the error I have made."

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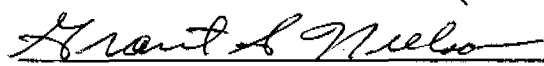
Councilman Bennett asked about the stand of the City Attorney. Mrs. Jeffery answered that Mr. Peterson said his interpretation was that as an elected official, Mr. Roper was not entitled to vacation pay under the City personnel policy. Mrs. Jeffery said, "According to our personnel policy, we are entitled to sick leave and holidays after we have been employed for three or months, but we are eligible for vacation only after being employed for one year. But, Warren said that the Council could determine that Lee was a full-time employee and consider the time he has put in and go ahead and pay him for the vacation pay from March 16th to December 31st. I cannot complete the month end closing and the year ending Federal and State Taxes until you have given me an answer as to how to pay Lee for the 4th quarter."

There was a lengthy discussion on the fact the Mayor Roper had actually worked longer hours than a full-time employee for sometime even though the position of Mayor is paid as a part-time job. Council member Max Bennett stated that there should be no intention or effort to diminish former Mayor Roper's contribution to the City, but the only purpose of this meeting was to correct the error that was made. It was mentioned that the personnel policy should be adhered to and also, the fact that this was a bookkeeping error. It was determined by the Council the Council could not approve payment of vacation pay for a Mayor, but as City Administrator they could pay him for the 9 months he was employed full-time. Councilman Bennett MOVED that the Council request the repayment for the overpayment of unused vacation pay created in a computation error when figuring the unused vacation pay due to Mr. Leland Roper as severance pay, that the Recorder be entrusted to recalculate the unused vacation pay issued to Mayor Roper on December 31, 1981 and request the repayment for the over payment error that had been made. The motion was SECONDED by Councilman Don Dafoe and received the unanimous affirmative vote of all Council Members present.

Council Member Bird MOVED to adjourn the closed meeting and reconvene into open meeting. The motion was SECONDED by Councilman Don Dafoe. The motion carried. The closed meeting adjourned at 5:55 p.m.

The open meeting reconvened at 6:00 p.m.

Mayor Nielson asked if there was any further business or comments from the council. There were none. Councilman Bird MOVED adjournment. The motion was SECONDED by Councilman Morrison. Meeting adjourned 6:10 p.m.

  
Grant S Nielson, Mayor

  
Dorothy Jeffery, Recorder